

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

**SUBJECT:** Ordinance 1st Reading/Quasi-judicial, ZB 6-1-02 Pillar Consultants, Inc. /Elizabeth Carle, 6020 Griffin Road/Generally located between SW 61 Avenue and Griffin Road, approximately 450 feet south of Griffin Road.

**AFFECTED DISTRICT:** District 1

**TITLE OF AGENDA ITEM:** AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 6-1-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO R-3, LOW MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**REPORT IN BRIEF:** The petitioner has requested to rezone the 152,774 square foot (3.507 acres) subject site from: A-1, Agricultural District; to: R-3, Low Density Dwelling District. This request will allow the subject site to be developed with a maximum of ten (10) single family dwellings. The parcel exceeds the Land Development Code's minimum requirements needed to gain the zoning designation. Minimum lot size required is 12,000 square feet, and the subject site is 152,774 square feet, or 3.507 acres in size. Minimum frontage required is 100 feet, and the majority of subject site is 165 feet wide.

**PREVIOUS ACTIONS:** Staff deferred the request from the July 24, 2002, to the August 14, 2002, Planning and Zoning Board meeting, because the notification sign was placed in the incorrect location.

**CONCURRENCES:** At the August 14, 2002, Planning and Zoning Board meeting, Ms. Turin made a motion, seconded by Ms. Lee, to deny (Motion carried 3-0, Vice-Chair Bender and Mr. Waitkus absent).

**FISCAL IMPACT:** None

**RECOMMENDATION(S):** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

**Attachment(s):**

Ordinance, Planning Report, Justification, Survey, Land Use Map, Zoning and Aerial Map

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 6-1-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO R-3, LOW MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie authorized the publication of a notice of a public hearing as required by law, that the classification of certain lands within the Town be changed from A-1, Agricultural District to R-3, Low Medium Density Dwelling District;

WHEREAS, said notice was given and publication made as required by law, and a public hearing there under was held on the date of the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE FLORIDA:

SECTION 1. That the property herein after described be and the same is hereby rezoned and changed from A-1, Agricultural District to R-3, Low Medium Density Dwelling District:

a. The subject property is described in Exhibit "A", which is attached hereto and made a part hereof;

SECTION 2. That the zoning map heretofore adopted by the Town Council be and the same is hereby amended to show the property described in Section 1, herein, as R-3, Low Medium Density Dwelling District.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

PASSED ON SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

ATTEST:

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

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**TOWN OF DAVIE**  
**Development Services Department**  
**Planning and Zoning Division Staff**  
**Report and Recommendation**

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**APPLICANT INFORMATION**

<b><u>Owner:</u></b>		<b><u>Agent:</u></b>	
<b>Name:</b>	Elizabeth Carle	<b>Name:</b>	Pillar Consultants, Inc.
<b>Address:</b>	4650 SW 48 Avenue	<b>Address:</b>	5400 University Drive, Suite 101
<b>City:</b>	Davie, FL 33314	<b>City:</b>	Davie, FL 33328
<b>Phone:</b>	(954)792-4239	<b>Phone:</b>	(954)680-6533

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**BACKGROUND INFORMATION**

**Date of Notification:** July 17, 2002      **Number of Notifications:** 44

**Application History:** Staff deferred the request from the July 24, 2002, to the August 14, 2002, Planning and Zoning Board meeting, because the notification sign was placed in the incorrect location.

**Application Request:** Rezone the 152,774 square foot (3.507 acres) subject site **FROM:** A-1, Agricultural District; **TO:** R-3, Low Density Dwelling District.

**Address/Location:** 6020 Griffin Road/Generally located between SW 61 Avenue and Griffin Road, approximately 450 feet south of Griffin Road.

**Future Land Use Plan Designation:** Residential (3 DU/AC)

**Zoning:** A-1, Agricultural District

**Existing Use:** Vacant

**Proposed Use:** Ten (10) single family dwellings (maximum)

**Parcel Size:** 3.507 acres (152,774 square feet)

	<b><u>Surrounding Uses:</u></b>	<b><u>Surrounding Land Use Plan Designation:</u></b>
<b>North:</b>	Single-family residential	Commercial, Residential (3 DU/AC)
<b>South:</b>	Single-family residential, Vacant	Residential (3 DU/AC)
<b>East:</b>	Vacant	Residential (3 DU/AC)
<b>West:</b>	Single-family residential, Vacant	Residential (3 DU/AC)

**Surrounding Zoning:**

**North:** Griffin Corridor District (East Gateway Zone)  
**South:** A-1, Agricultural District, R-2, Low Density Dwelling District  
**East:** A-1, Agricultural District  
**West:** A-1, Agricultural District, R-3, Low Density Dwelling District

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## ZONING HISTORY

**Related Zoning History:** The contiguous parcel to the north lies is within the Griffin Corridor District (East Gateway Zone) that was adopted by Ordinance 2000-7. This parcel is under the same ownership, and is in the process of being platted with the subject site.

**Previous Requests on same property:** None.

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## APPLICATION DETAILS

The petitioner has requested to rezone the 152,774 square foot (3.507 acres) subject site from: A-1, Agricultural District; to: R-3, Low Density Dwelling District.

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## Applicable Codes and Ordinances

Section 12-307 of the Land Development Code, review for rezonings.

Section 12-81A of the Land Development Code, Conventional Single-Family Development Standards, R-3, Low Density Dwelling District, requires minimum: lot area of 12,000 square feet, frontage of 100 feet, front setback of 30 feet, side setback of 15 feet, rear setback of 25 feet, maximum height of 35 feet.

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## Comprehensive Plan Considerations

**Planning Area:** The subject property falls within Planning Area 9. This Planning Area is south of Griffin Road, generally north of Stirling Road, east of SW 76 Avenue and west of the Florida Turnpike. This area is predominantly agricultural in nature with scattered low-density single-family residential development. Low profile commercial development lines the Griffin Road, Davie Road, and Stirling Road corridors.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 102.

**Applicable Goals, Objectives & Policies:** *Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-2:* No property within the Town shall be rezoned to a zoning district that is not in compliance with the Davie Future Land Use Plan.

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## Staff Analysis

This request will allow the subject site to be developed with a maximum of ten (10) single family dwellings. The parcel exceeds the Land Development Code's minimum requirements

needed to gain the zoning designation. Minimum lot size required is 12,000 square feet, and the subject site is 152,774 square feet, or 3.507 acres in size. Minimum frontage required is 100 feet, and the majority of subject site is 165 feet wide.

**Land Use and Zoning:** The Future Land Use Plan Map designates the parcel Residential (3 DU/AC), and the requested zoning classification, R-3, Low Density Dwelling District, allows for single family dwelling units to be developed at a density of 3 dwelling units per acre.

**Compatibility:** Single family dwelling units developed at a density of 3 dwelling units per acre are compatible with the surrounding single family homes. The adjacent developed parcels are at the same, or lower density than what has been requested on the subject site. To the north is a single family dwelling under the same ownership within the Griffin Corridor District (East Gateway Zone), to the south are single family homes developed according to the R-2, Low Density Dwelling District standards, to the east is vacant land which can be developed according to the A-1, Agricultural District standards and is designated Residential (3 DU/AC) on the Future Land Use Plan Map, and to the west there are single family homes developed according to the A-1, Agricultural District and R-3, Low Density Dwelling District standards.

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### Findings of Fact

#### **Rezoning:**

#### **Section 12-307(A) (1):**

**The following findings of facts apply to the rezoning request:**

- (a) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

*The Future Land Use Plan Map designates the parcel as Residential (3 DU/AC), and the comprehensive plan allows single family homes to be developed at a density of 3 dwelling units per acre.*

- (b) The proposed change will not create an isolated zoning district unrelated and incompatible with adjacent and nearby districts;

*The requested R-3, Low Density Dwelling District, a single family dwelling zoning district, is related and compatible with the adjacent single family zoning designations. There are single family homes to the north, south, and west; to the east is vacant land.*

- (c) Existing zoning district boundaries are not logically drawn in relation to existing conditions on the property proposed for change;

*The existing A-1, Agricultural District classification is the original zoning of the property. This zoning district allows for a density that is less than what the Future Land Use Plan Map designation of Residential (3 DU/AC) allows.*

- (d) The proposed change will not adversely affect living conditions in the neighborhood;

*Development of a maximum of ten (10) single family homes on this parcel will not have adverse impacts on the neighborhood. There are single family homes to the north, south, and west; to the east is vacant land.*

- (e) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

*The traffic generated by a maximum of ten (10) single family homes is what the Future Land Use Plan Map anticipated. Broward County anticipates future traffic counts based on an analysis of the Future Land Use Plan Map. Prior to County approval of plats, if the proposed use poses negative traffic impacts, the developer is required to provide measures to mitigate anticipated impacts.*

- (f) The proposed change will not adversely affect other property values;

*Surrounding property values will not be adversely impacted by development of this vacant site. There are single family homes to the north, south, and west; to the east is vacant land.*

- (g) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

*Development of the subject site will not deter development or improvement of adjacent parcels. There are single family homes to the north, south, and west; to the east is vacant land.*

- (h) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public;

*This request is a privilege that can be afforded to any owner that has a parcel that meets the Land Development Code's minimum requirements to achieve the zoning classification.*

- (i) There are not substantial reasons why the property cannot be used in accord with existing zoning.

*The subject site could be developed according to the existing zoning district standards.*

- (j) The proposed zoning designation may be the most appropriate designation to enhance the Town's tax base given the site location relative to the pattern of land use designations established on the future land use plan map, appropriate land use planning practice, and comprehensive plan policies directing land use location.

*Development of the site will ultimately enhance the Town's tax base.*

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### **Staff Recommendation**

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

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### **Planning and Zoning Board Recommendation**

At the August 14, 2002, Planning and Zoning Board meeting, Ms. Turin made a motion, seconded by Ms. Lee, to deny (Motion carried 3-0, Vice-Chair Bender and Mr. Waitkus absent).

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### **Exhibits**

1. Justification
2. Survey
3. Land Use Map
4. Zoning and Aerial Map

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_





# THE CABLE PLAT

PORTIONS OF TRACT 59 AND 60 IN THE WEST HALF OF SECTION 26, TOWNSHIP 50 SOUTH, RANGE 41 NORTH, AND SECTIONS 25 AND 26, TOWNSHIP 50 SOUTH, RANGE 41 NORTH, RECORDS Lying IN THE TOWN OF DAVID, SHERMAN COUNTY, TEXAS

SHEET 2 OF 2 SHEETS

## SECTION 1

1. The portion of Tract 59 and 60 in the West Half of Section 26, Township 50 South, Range 41 North, and Sections 25 and 26, Township 50 South, Range 41 North, Records Lying in the Town of David, Sherman County, Texas, as shown on the plat of the same, is hereby divided into four equal parts, each of which shall be known as one of the four parts of the said tract.

2. The portion of Tract 59 and 60 in the West Half of Section 26, Township 50 South, Range 41 North, and Sections 25 and 26, Township 50 South, Range 41 North, Records Lying in the Town of David, Sherman County, Texas, as shown on the plat of the same, is hereby divided into four equal parts, each of which shall be known as one of the four parts of the said tract.

3. The portion of Tract 59 and 60 in the West Half of Section 26, Township 50 South, Range 41 North, and Sections 25 and 26, Township 50 South, Range 41 North, Records Lying in the Town of David, Sherman County, Texas, as shown on the plat of the same, is hereby divided into four equal parts, each of which shall be known as one of the four parts of the said tract.

## SECTION 2

1. The portion of Tract 59 and 60 in the West Half of Section 26, Township 50 South, Range 41 North, and Sections 25 and 26, Township 50 South, Range 41 North, Records Lying in the Town of David, Sherman County, Texas, as shown on the plat of the same, is hereby divided into four equal parts, each of which shall be known as one of the four parts of the said tract.

## SECTION 3

1. The portion of Tract 59 and 60 in the West Half of Section 26, Township 50 South, Range 41 North, and Sections 25 and 26, Township 50 South, Range 41 North, Records Lying in the Town of David, Sherman County, Texas, as shown on the plat of the same, is hereby divided into four equal parts, each of which shall be known as one of the four parts of the said tract.

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## SECTION 4

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## SECTION 5

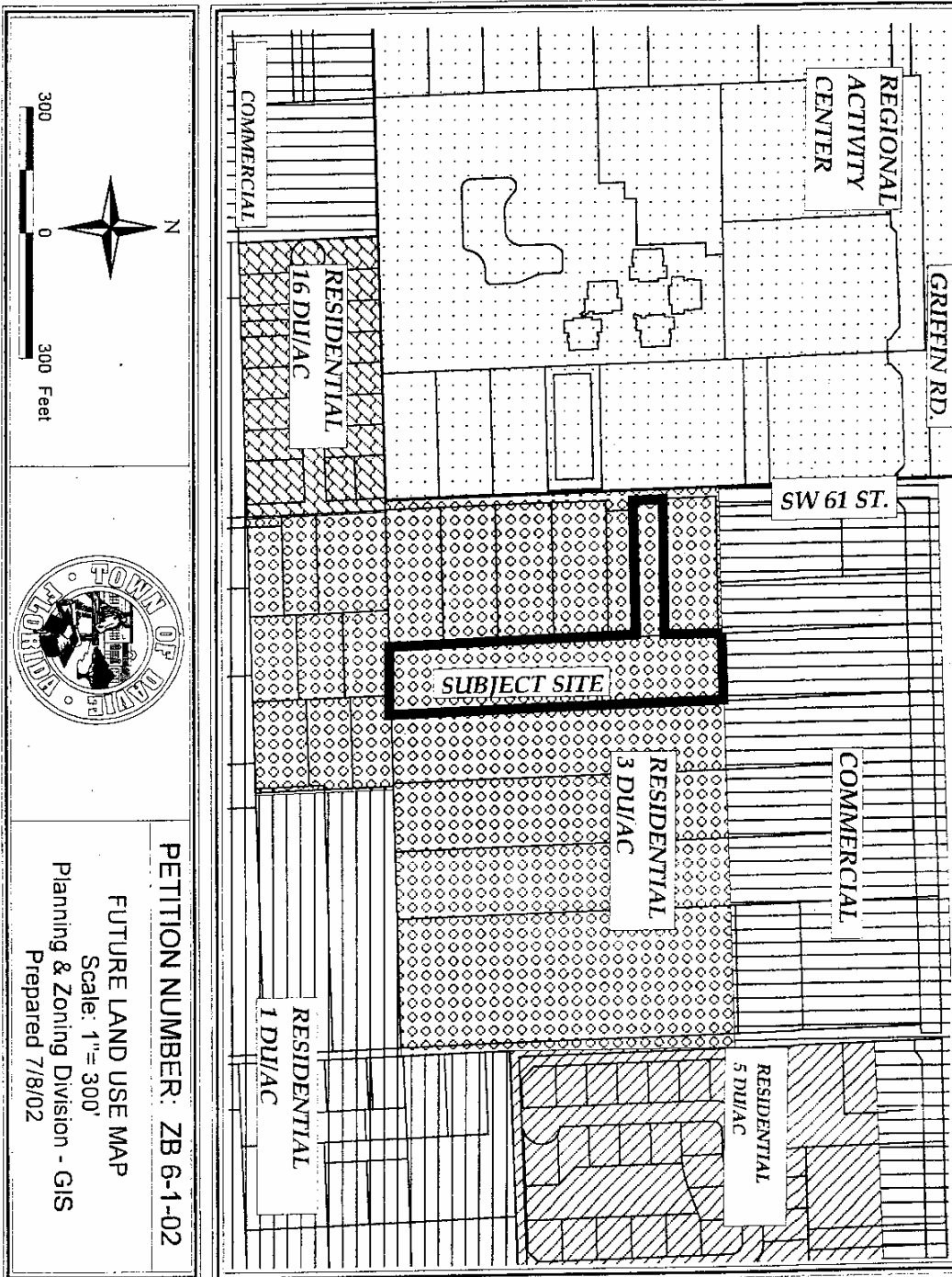
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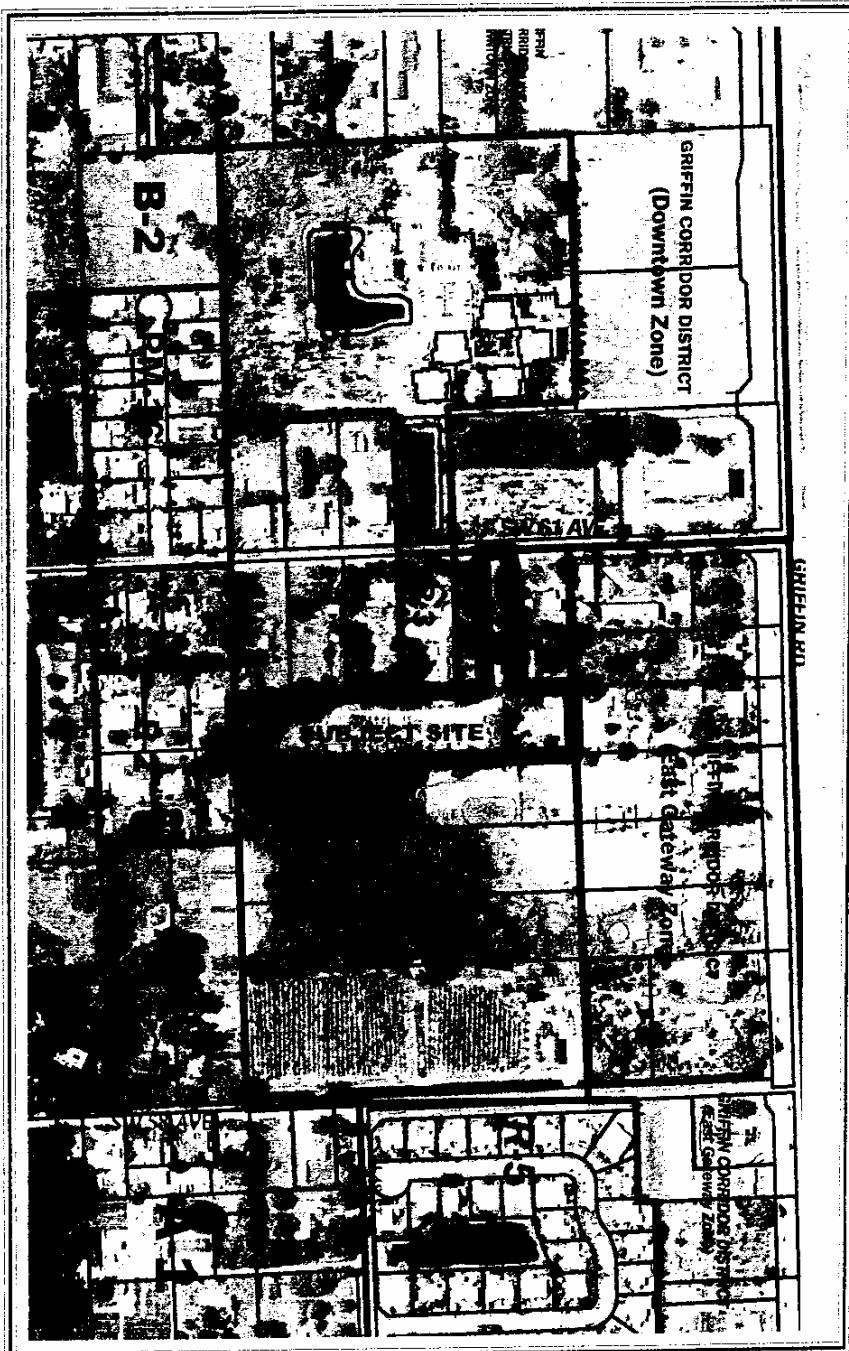
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300  
0  
300 Feet



**PETITION NUMBER: ZB 6-1-02**

Zoning and Aerial Map  
 Date: Flown: January, 2001  
 Scale: 1"= 300'  
 Planning & Zoning Division - GIS  
 Prepared 7/8/02